

REMARKS

Applicants respectfully request reconsideration of this application as amended. Claims 1-4, 9, 11-14, 16, 20-21, 24-28, 31 and 33 have been amended. Claims 5-7, 10, 15, 17-19, 22-23, 29-30, 32 and 34 have been cancelled without prejudice. No new claims have been added. Therefore, claims 1-4, 8-9, 11-14, 16, 20-21, 24-28, 31 and 33 are presented for examination.

35 U.S.C. § 112 Rejection

Claims 18 and 25-33 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 18, 29-30 and 32 have been cancelled without prejudice.

Claims 25-28 and 31 have been amended. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 25-28 and 31.

35 U.S.C. § 101 Rejection

Claims 11-24 are rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter.

Claim 11 has been amended. Accordingly, Applicants respectfully request the withdrawal of the rejection of claim 11 and its dependent claims.

35 U.S.C. § 102 Rejection

Claims 1-9 and 11-33 stand rejected under 35 U.S.C. §102(a) as being anticipated by Camp, et al., U.S. Patent No. 6,802,067 (“Camp”).

Claim 1, as amended, recites:

A method comprising:
receiving a message relating to unified logging and tracing, the message having a predefined severity, the message further including a tracing message and a logging message, wherein the tracing message is associated with a location representing a delimited code area including one or more of a code package, and a code class, wherein the logging message associated with a category representing a code problem area including one or more of a database problem, and a security audit problem; dropping the message if the predefined severity does not reach a threshold severity;
applying one or more filters to perform a filter evaluation of the message if the predefined severity reaches the threshold severity, and publishing the message if it reaches the threshold severity and passes the filter evaluation, wherein the filter evaluation is to determine whether the message is to be restricted, screened out, or published with an altered behavior; and
sending the message to a destination if the message fails the filter evaluation.
(emphasis added)

Camp discloses a “***message logging framework comprising a log object created by a destination log class extending a log base class and the log base class implementing a log interface.*** The log base class comprises a method for *formatting a message and the destination log class comprises a method to log the formatted message to a destination log.*” (Abstract; emphasis added). Referring now to a section referred to by the Examiner, Camp discloses a method for “***logging a message, comprising forming a destination log object by a destination log class extending a log base class and the log base class implementing a log interface; formatting the message; and logging the formatted message to a destination log via the destination log object.***” (Summary; emphasis added).

In contrast, claim 1, as amended, in pertinent part, recites receiving a message relating to unified logging and tracing, the message having a predefined severity, the message further including a tracing message and a logging message . . . dropping the message if the predefined severity does not reach a threshold severity; applying one or more filters to perform a filter evaluation of the message if the predefined severity

reaches the threshold severity, and publishing the message if it reaches the threshold severity and passes the filter evaluation, wherein the filter evaluation is to determine whether the message is to be restricted, screened out, or published with an altered behavior; and sending the message to a destination if the message fails the filter evaluation.” (emphasis added).

First, Camp’s *message logging framework* is **not the same as** “receiving a message relating to **unified logging and tracing**, the message having a predefined severity, the **message further including a tracing message and a logging message**” as recited by claim 1 (emphasis added). Camp does not teach or reasonably suggest a **unified logging and tracing** system and instead, it merely refers to a *message logging framework*, which is **not** a hybrid of logging and tracing.

Second, Camp does not teach or reasonably suggest “**dropping the message if the predefined severity does not reach a threshold severity**; applying one or more filters to perform a filter evaluation of the message if the predefined severity reaches the threshold severity, and **publishing the message if it reaches the threshold severity and passes the filter evaluation**, wherein the **filter evaluation is to determine whether the message is to be restricted, screened out, or published with an altered behavior**” as recited by claim 1. Camp does not teach or reasonably suggest at least these features of claim 1. Accordingly, Applicants respectfully request the withdrawal of the rejection of claim 1 and its dependent claims.

Furthermore, Applicants respectfully remind the Examiner that anticipation under 35 U.S.C. Section 102 *requires every element of the claimed invention be identically shown in a single prior art reference*. The Federal Circuit has indicated that the standard for measuring lack of novelty by anticipation is strict identity. “For a prior art reference to anticipate in terms of 35 U.S.C. Section 102, *every element of the claimed invention*

must be identically shown in a single reference.” In Re Bond, 910 F.2d 831, 15

USPQ.2d 1566 (Fed. Cir. 1990); emphasis added. Applicant submits that Derfler fails to *identically* show *every element* of claim 1.

Conclusion

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

Invitation for a Telephone Interview

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Request for an Extension of Time

Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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Date: June 13, 2008

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